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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JAMES DAVID KARNATH,

10 Plaintiff,

11 v.

12 TRACY DANIELS,

13 Defendant.

Case No. C08-1002-RSM

ORDER ON MOTIONS

14 Pending before the Court are Defendant's Motion for Summary Judgment (Dkt. No. 128);
15 the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate
16 Judge (Dkt. No. 173); Plaintiff's Objections to the Report and Recommendation (Dkt. No. 179);
17 Plaintiff's Supplemental Response to the Report and Recommendation (Dkt. No. 191); Plaintiff's
18 Motion for Unanswered Admissions to be Deemed Admitted/defaulted (Dkt. No. 178);
19 Plaintiff's Motion for Immediate Reassignment (Dkt. No. 188); and Plaintiff's Motion to Compel
20 Discovery (Dkt. No. 194). The Court, having reviewed all of the motions, the Report and
21 Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge,
22 Plaintiff's objections and supplemental response to the Report and Recommendation, all exhibits
23 and declarations, and the remaining record, does hereby find and Order:

ORDER GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT- 1

(1) The Court adopts the Report and Recommendation.

(2) Defendant's motion for summary judgment (Dkt. No. 128) is **GRANTED**.

(3) Plaintiff's motion for unanswered admissions to be deemed admitted/defaulted (Dkt. No. 178) is stricken as **MOOT**.

(4) Plaintiff's motion for immediate reassignment (Dkt. No. 188) is **DENIED**.
Judicial impartiality is presumed. *First Interstate Bank of Ariz., N.A. v. Murphy, Weir & Butler*, 210 F.3d 983, 987 (9th Cir. 2000). A judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C.A. § 455. Prior adverse rulings in a case, alone, are not evidence of bias or impartiality. *See Liteky v. U.S.*, 510 U.S. 540, 554-555 (1994). Moreover, Plaintiff's motion was filed by Mr. Peat Eriksen, who is not Plaintiff's counsel of record and has not been admitted to practice before this Court. *See* Local Rule GR 2(c).

(5) Plaintiff's Motion to Compel Discovery (Dkt. No. 194) is stricken as **MOOT**.

(6) This action is **DISMISSED** with prejudice.

(7) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendant, and to Judge Tsuchida.

DATED this 25th day of January 2012.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE